

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-20388

v.

Honorable Nancy G. Edmunds

GRADY WHITAKER, JR. (D-3),

Defendant.

**ORDER DENYING DEFENDANT'S RENEWED
REQUEST FOR COMPASSIONATE RELEASE [193]**

On August 4, 2020, this Court entered an order denying Defendant Grady Whitaker, Jr.'s motion for compassionate release. (Dkt. 191.) The matter is now before the Court on Defendant's renewed request for compassionate release.¹ (Dkt. 193.) The government opposes the request. (Dkt. 194.)

The Court denied Defendant's first motion without prejudice due to his failure to exhaust his administrative remedies. (Dkt. 191, PgID 736-37.) Defendant had submitted an administrative request for release almost three weeks *after* filing his motion with the Court. Defendant now notes that thirty days have passed since he submitted his administrative request and he has not yet received a response. Thus, Defendant has satisfied the exhaustion requirement.

¹ Defendant's renewed request was sent to the Court on August 3, 2020, one day before the Court entered its order denying his previous motion. However, his letter was not entered on the docket until August 18, 2020. Thus, the Court did not have the opportunity to address it in its first order.

In its order denying Defendant's first motion, the Court also found, alternatively, that Defendant is not entitled to a sentence reduction because he has not shown extraordinary and compelling reasons as required by 18 U.S.C. § 3582(c)(1)(A). (Dkt. 191, PgID 737-38.) Because Defendant's renewed request raises the same issues raised in his first motion, that analysis remains the same. Defendant has still not presented any evidence of the existence and/or severity of his allergies and bronchitis, and thus it is unclear whether he faces a heightened risk of severe illness if he contracts COVID-19. See People with Underlying Medical Conditions, Centers for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html> (noting that having *chronic* bronchitis increases a person's risk of severe illness from COVID-19). And Defendant's concerns regarding his inability to complete the Residential Drug Addiction Program because of a detainer in state court, while legitimate, relate to matters within the purview of the Bureau of Prisons, not this Court. In sum, Defendant has not shown he is entitled to the relief he seeks.

For the foregoing reasons, Defendant's renewed request for compassionate release is DENIED.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: September 4, 2020

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 4, 2020, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager